

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GLENN D. SEELEY,

Plaintiff,

Vs.

JPMORGAN CHASE HOLDINGS, LLC,

Defendant.

No. _____

Formerly Santa Fe County Magistrate Court
Case No. M-49-CV-2017-00995

NOTICE OF REMOVAL TO USDC
(Federal Question: ERISA 29 U.S.C. § 1001 et seq.)

Defendant JPMorgan Chase Holdings, LLC (“JPMC”) hereby removes this action from the Santa Fe County Magistrate Court, County of Santa Fe, New Mexico pursuant to 28 U.S.C. Sections 1441, 1446, to the United States District Court, District of New Mexico. Defendant respectfully submits the following statement as the grounds for removal:

GROUND FOR REMOVAL

1. Plaintiff Glenn Seeley filed an action in the Santa Fe County Magistrate Court, County of Santa Fe, New Mexico on or about September 11, 2017. A copy of the Complaint is attached hereto as Exhibit A.

2. JPMC was served with a copy of the Summons and Complaint by process server on September 11, 2017.

3. This action involves a federal question and, as such, is an action over which this Court has original jurisdiction under 28 U.S.C. Section 1331. This action may be removed pursuant to 28 U.S.C. Section 1441 because it is a civil action over which the district courts have original jurisdiction. Specifically, Plaintiff’s Complaint purports to state a claim for benefits from a Plan that is subject to the Employee Retirement Income Security Act of 1974 (ERISA) codified

at 29 U.S.C. § 1001 et seq. A claim for benefits on an ERISA plan is subject to complete preemption by ERISA. Therefore, the claim is removable as it presents a federal question.

STATE COURT PROCEEDINGS

4. Copies of all process, pleadings and orders served on Defendants in the state court action are attached hereto as Exhibit B in accordance with 28 U.S.C. Section 1446(a).

TIMELINESS OF REMOVAL

5. This notice is filed with the Court within thirty (30) days after Defendants first received Plaintiff's Complaint. Accordingly, removal of this action is timely pursuant to 28 U.S.C. Section 1446 (b).

NOTICES

6. A copy of this notice is being filed with the Clerk of the District Court; the Santa Fe County Magistrate Court, County of Santa Fe, New Mexico; and has been served on Plaintiff in accordance with 28 U.S.C. Section 1446 (d). A copy of the notice provided to the state court (without exhibits) is attached to this Notice as Exhibit C.

WHEREFORE, for the above-stated reasons, Defendant respectfully removes this action from the Santa Fe County Magistrate Court, County of Santa Fe, New Mexico to the United States District Court for the District of New Mexico.

RESPECTFULLY SUBMITTED this 10th day of October, 2017.

QUARLES & BRADY LLP

/s/ Eric Johnson
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I hereby certify that on 10 October 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants in this matter and, on the same day, I served the attached document via first class mail, postage prepaid, and e-mail on the following:

Glenn D. Seeley
113 Paseo Del Conejo
Santa Fe, New Mexico 87506
glennseeley.law@gmail.com
Plaintiff

/s/ Jeannie Fraser